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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,600	07/22/2003	Francesco Piccone	60311-2	5834
35222 7590 08/04/2010 LANG MICHENER BROOKFIELD PLACE, P.O. BOX 747 SUITE 2500, 181 BAY STREET TORONTO, ON M5J 1T7 CANADA				
EXAMINER SAFAVI, MICHAEL				
ART UNIT 3637		PAPER NUMBER		
NOTIFICATION DATE 08/04/2010		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

usptomail@langmichener.ca

Office Action Summary

Application No.

10/623,600

Applicant(s)

PICCONE, FRANCESCO

Examiner

MICHAEL SAFARI

Art Unit

3637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 May 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 4-7 and 11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4-7 and 11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI.08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1, 4-7 and 11 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification does not appear clear and complete as to how an "interval between adjacent complementary support panel connector means" "is conserved as a unit measure of width" or how the "interval between adjacent complementary support panel connector means" is "regular", (**claims 1 and 11**). The specification does not appear clear and complete as to how either of the wall panel and support panel "are dimensioned...to have an overall effective width that is a whole number multiple of the unit measure of width" if "the unit measure of width" is the same as "the regular interval between adjacent complementary support panel connector means", (**claims 1 and 11**).

Claims 1, 4-7 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, lines 12-13, "the regular interval between adjacent complementary support panel connector means" lacks antecedent basis within the claim. It is therefore, not clear as to what "the regular interval between adjacent complementary support panel connector means" refers. Further, it is not clear as to how an "interval between adjacent complementary support panel connector means" "is conserved as a unit measure of width" or how the "interval between adjacent complementary support panel connector means" is "regular". It is also not understood as to how either of the wall panel and support panel "are dimensioned...to have an overall effective width that is a whole number multiple of the unit measure of width" if "the unit measure of width" is the same as "the regular interval between adjacent complementary support panel connector means". The specification does not appear clear and complete as to such embodiment or limitation.

Claim 11, lines 12-13, "the regular interval between adjacent complementary support panel connector means" lacks antecedent basis within the claim. It is therefore, not clear as to what "the regular interval between adjacent complementary support panel connector means" refers. Further, it is not clear as to how an "interval between adjacent complementary support panel connector means" "is conserved as a unit measure of width" or how the "interval between adjacent complementary support panel connector means" is "regular". It is also not understood as to how either of the wall panel and support panel "are dimensioned...to have an overall effective width that is a whole number multiple of the unit measure of width" if "the unit measure of width" is the same as "the regular interval between adjacent complementary support panel connector

means". The specification does not appear clear and complete as to such embodiment or limitation.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 4-7 and 11, as best understood, are rejected under 35

U.S.C. 102(b) as being anticipated by Piccone 5,740,648. Piccone discloses, Fig. 1, a plurality of elongate vertically-extending wall panels 12 interconnected in edge-to-edge relationship *via* cooperative elongate wall interconnection means 78, 112 along their longitudinal edges to define a perimeter wall of formwork assembly; and, a plurality of inner support panels 14, 23 disposed "entirely" within the perimeter wall and interconnected with the wall panels at selected suitable intervals *via* the co-operative interconnection of connector means provided along the edges of the support panels and complementary support panel connector means 40, 42 provided on the inward-facing surface of the wall panels 12. At least one tensioning panel 34, (or any of 12), is

interconnected with at least one wall panel 12 and at least one support panel 23. The wall panels have inner and outer surfaces and the elongate wall interconnection means are complementary, such that two adjacent wall panels presented with their inner surfaces in the same orientation may be interconnected, the wall panels further having support panel connector means disposed on their inside surface for interconnection with support panels having complementary support panel connector means. The regular interval between adjacent complementary support panel connector means, (between 40/42 and 40/42), of the wall panels is conserved as a unit measure of width, and wherein the wall panels 12 and support panels 14, 23 are dimensioned such as to have an overall effective width that is a whole number multiple of the unit measure of width.

Claims 1, 4-7 and 11, as best understood, are rejected under 35

U.S.C. 102(b) as being anticipated by Majnaric et al. 5,553,430. Majnaric et al. discloses, Figs. 5 and 6, a plurality of elongate vertically-extending wall panels, (any of 26), interconnected in edge-to-edge relationship *via* cooperative elongate wall interconnection means 28 along their longitudinal edges to define a perimeter wall of formwork assembly; and, a plurality of inner support panels 20, (or 18), disposed “entirely” within the perimeter wall and interconnected with the wall panels at selected suitable intervals *via* the co-operative interconnection of connector means provided along the edges of the support panels and complementary support panel connector means 30 provided on the inward-facing surface of the wall panels 26. At least one tensioning panel, (any one of 26, i.e., another section of 24 or 34), is interconnected

with at least one wall panel 26 and at least one support panel 20. The wall panels have inner and outer surfaces and the elongate wall interconnection means are complementary, such that two adjacent wall panels presented with their inner surfaces in the same orientation may be interconnected, the wall panels further having support panel connector means disposed on their inside surface for interconnection with support panels having complementary support panel connector means. The regular interval between adjacent complementary support panel connector means, (between 30 and 30), of the wall panels is conserved as a unit measure of width, and wherein the wall panels 26 and support panels 20, (or 18), are dimensioned such as to have an overall effective width that is a whole number multiple of the unit measure of width.

Claims 1, 4-7 and 11, as best understood, are rejected under 35

U.S.C. 102(b) as being anticipated by Grinshpun et al. 6,247,280. Grinshpun et al. discloses, Figs. 1 and 4, a plurality of elongate vertically-extending wall panels, (any of 1 and 2), interconnected in edge-to-edge relationship *via* cooperative elongate wall interconnection means 203, 204 along their longitudinal edges to define a perimeter wall of formwork assembly; and, a plurality of inner support panels 7 disposed “entirely” within the perimeter wall and interconnected with the wall panels at selected suitable intervals *via* the co-operative interconnection of connector means provided along the edges of the support panels and complementary support panel connector means 205 provided on the inward-facing surface of the wall panels 1, 2. At least one tensioning panel, (any one of 1 and 2, i.e., another section of 1a/2a or 1b/2b), is interconnected

with at least one wall panel, (1a, 2a, or 1b, 2b), and at least one support panel 7. The wall panels have inner and outer surfaces and the elongate wall interconnection means are complementary, such that two adjacent wall panels presented with their inner surfaces in the same orientation may be interconnected, the wall panels further having support panel connector means disposed on their inside surface for interconnection with support panels having complementary support panel connector means. The regular interval between adjacent complementary support panel connector means, (between 205 and 205), of the wall panels is conserved as a unit measure of width, and wherein the wall panels 1/2 and support panels 7 are dimensioned such as to have an overall effective width that is a whole number multiple of the unit measure of width.

Claim 11, as best understood, is rejected under 35 U.S.C. 102(b) as being anticipated by Lanc 6,167,669. Lanc discloses, Fig. 4A, a plurality of vertically elongate wall panels 10, interconnected in edge-to-edge relationship *via* suitably configured elongate wall interconnection means 18, 14/16 along their longitudinal edges to define an outer perimeter wall of formwork assembly; and, a plurality of inner support panels 20 disposed within the wall and associated with the wall panels at selected suitable intervals *via* connector means provided along the edges of the support panels and complementary support panel connector means 16 provided on the inward-facing surface of the wall panels 10. At least one tensioning panel 30, (or any of 20), is associated with at least one wall panel 10. The regular interval between adjacent complementary support panel connector means, (between 28 and 28), of the wall

panels is conserved as a unit measure of width, and wherein the wall panels 10 and support panels 20 are dimensioned such as to have an overall effective width that is a whole number multiple of the unit measure of width.

Response to Arguments

Applicant's arguments filed May 13, 2010 have been fully considered but they are not persuasive. As set forth in the above rejections respectively involving Piccone, Majnaric et al., Grinshpun et al., and Lanc, each of Piccone, Majnaric et al., Grinshpun et al., and Lanc disclose "wherein the regular interval between adjacent complementary support panel connector means of the wall panels is conserved as a unit measure of width, and wherein the wall panels and support panels are dimensioned such as to have an overall effective width that is a whole number multiple of the unit measure of width" as is best understood from a reading of the specification.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL SAFAVI whose telephone number is (571)272-7046. The examiner can normally be reached on Mon.-Fri., 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darnell Jayne can be reached on (571) 272-7723. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

/Michael Safavi/
Primary Examiner, Art Unit 3637

M. Safavi
July 24, 2010